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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SYLVESTRE APAEZ GERARDO,

Defendant.

SA 09-521M

ORDER OF DETENTION AFTER HEARING
(18 U.S.C. § 3142(i))

I.

A. ☐ On motion of the Government involving an alleged

1. ☐ crime of violence;

2. ☐ offense with maximum sentence of life imprisonment or death;

3. ☐ narcotics or controlled substance offense with maximum sentence of ten or more years

(21 U.S.C. §§ 801, 951, et. seq., 955a);

4. ☐ felony - defendant convicted of two or more prior offenses described above.

B. On motion ☐ (by the Government) / ☐ (by the Court sua sponte involving)

1. ☒ serious risk defendant will flee;

2. ☐ serious risk defendant will

a. ☐ obstruct or attempt to obstruct justice;

b. ☐ threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

II.

The Court finds no condition or combination of conditions will reasonable assure:

A. (X) appearance of defendant as required; and/or

B. () safety of any person or the community;

III.

The Court has considered:

A. (x) the nature and circumstances of the offense;

B. (x) the weight of evidence against the defendant;

C. (x) the history and characteristics of the defendant;

D. () the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. () Defendant poses a risk to the safety of other persons or the community because:

B. (x) History and characteristics indicate a serious risk that defendant will flee because:

Defendant is undocumented. He has no ties to the community and no bail resources.

C. () A serious risk exists that defendant will:

1. () obstruct or attempt to obstruct justice;

2. () threaten, injure or intimidate a witness/ juror; because:

D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

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1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private
5 consultation with his counsel.

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8 Dated: December 11, 2009

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Marc L. Goldman
U.S. Magistrate Judge